

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

**PROVIDENCE HEALTH &
SERVICES-OREGON**, an Oregon
nonprofit corporation, dba Providence
Portland Medical Center,

Plaintiff,

vs.

SANJANA PAHALAD MANCUSO,
personal representative of the Estate of
Rattan Kumar Pahalad, in her official and
personal capacities,

Defendant.

Case No. 16CV38474

**PLAINTIFF'S REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF
OPPOSITION TO DEFENDANT'S
MOTION TO DISMISS PLAINTIFF'S
SECOND CLAIM**

Pursuant to Oregon Evidence Code 201(b), ORS 40.065, Plaintiff Providence Health & Services - Oregon ("PH&S-O"), hereby requests that the Court take judicial notice of the date that defendant Sanjana Pahalad Mancuso ("Mancuso") first published notice to interested persons in connection with her administration of the Estate of Rattan Kumar Pahalad (the "Estate"), as evidenced in the true and correct copy of the Notice of Publication filed by Mancuso in the probate court for Multnomah County, case no. 16PB03421, on July 11, 2016, attached hereto as Exhibit 1.

Oregon Evidence Code 201(b) provides that the Court can take judicial notice of facts that are "(2) Capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." ORS 40.065. Courts have taken judicial notice of facts contained within prior court filings. *See Grimmitt v. Brooks*, 193 Or App

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PLAINTIFF'S SECOND CLAIM**

1 427, 437, 89 P3d 1238, 1244 (2004) (affirming probate court's taking of judicial notice of
2 entire court file of prior guardianship proceeding to establish necessary facts). The date
3 that Mancuso first published notice to interested persons in connection with her
4 administration of the Estate is contained within a document filed by Mancuso in the
5 Multnomah County probate court, and is thus "[c]apable of accurate and ready
6 determination by resort to sources whose accuracy cannot reasonably be questioned" as
7 required by OEC Code 201(b). Judicial notice of this date is therefore proper.

8 DATED this 5th day of January, 2017.

9 HARRANG LONG GARY RUDNICK P.C.

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11 By: s/Lorelei A. Craig
12 Lorelei A. Craig
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PLAINTIFF'S SECOND CLAIM**

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AFFIDAVIT OF PUBLICATION

DJC



921 S.W. Washington St. Suite 210 / Portland, OR 97205-2810
(503) 226-1311

STATE OF OREGON, COUNTY OF MULTNOMAH--ss.

I, **Michelle Ropp**, being first duly sworn, depose and say that I am a **Principal Clerk** of the **Daily Journal of Commerce**, a newspaper of general circulation in the counties of CLACKAMAS, MULTNOMAH, and WASHINGTON as defined by ORS 193.010 and 193.020; published at Portland in the aforesaid County and State; that I know from my personal knowledge that the Probate notice described as

Pahalad, Rattan Kumar

ESTATE OF RATTAN KUMAR PAHALAD CASE NUMBER: 16PB03421 NOTICE TO INTERESTED PERSONS

Notice: The Circuit Court of the State of Oregon, for the County of Multnomah has appointed the undersigned as Personal Representative of the Estate of Rattan Kumar Pahala

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 3 time(s) in the following issues:


6/24/2016

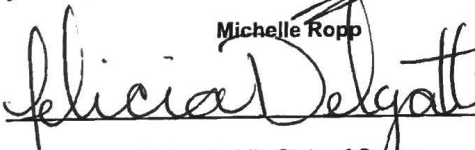
7/1/2016

7/8/2016

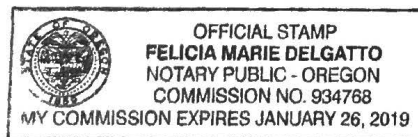
State of Oregon
County of Multnomah

SIGNED OR ATTESTED BEFORE ME
ON THE **8th** DAY OF **July**, 2016



Michelle Ropp


Notary Public-State of Oregon



**ESTATE OF
RATTAN KUMAR PAHALAD
CASE NUMBER: 16PB03421
NOTICE TO INTERESTED PERSONS**
Notice: The Circuit Court of the State of Oregon, for the County of Multnomah has appointed the undersigned as Personal Representative of the **Estate of Rattan Kumar Pahalad, deceased**. All persons having claims against said estate are required to present the same, with proper vouchers to the Personal Representative at the address of her attorney, 312 NW 10th Ave., #200B, Portland OR 97209 within four months from the date of first publication of this notice as stated below, or they may be barred. All persons whose rights may be affected by this proceeding may obtain additional information from the records of the court, the Personal Representative, or the Attorney for the Personal Representative.
Dated and first published June 24, 2016

**PERSONAL
REPRESENTATIVE**
Sanjana Pahalad Mancuso
707 N Hayden Island Drive,
Unit 423
Portland, OR 97217

ATTORNEY FOR PERSONAL REPRESENTATIVE
Maret Thatcher Smith
312 NW 10th Ave #200 B
971-284-7129
maret@thatchersmithlaw.com
OSB # 105103

11098131

Thatcher Smith Law
312 NW 10th Ave
Portland, OR 97209-3121

Order No.: 11098131
Client Reference No: 16PB03421

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CERTIFICATE OF SERVICE

I certify that on January 5, 2017, I served or caused to be served a true and complete copy of the foregoing **PLAINTIFF’S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF OPPOSITION TO DEFENDANT’S MOTION TO DISMISS PLAINTIFF’S SECOND CLAIM** on the party or parties listed below as follows:

- ☒ Via the Court’s Efiling System
- ☒ Via First Class Mail, Postage Prepaid
- ☒ Via Email
- ☐ Via Personal Delivery

Maret Thatcher Smith
Thatcher Smith Law
107 SE Washington St. Ste 255
Portland, OR 97214
Of Attorneys for Defendant

HARRANG LONG GARY RUDNICK P.C.

By: _____ s/Arden J. Olson
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Of Attorneys for Plaintiff

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